

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING CHAPTER 12 ENTITLED LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES PROVIDING FOR AN AMENDMENT TO SECTION 12-32 TABLE OF PERMITTED USES PERTAINING TO THE PROVISIONS OF ZONING DISTRICTS THAT WILL ALLOW SEXUALLY ORIENTED BUSINESS USES; AND TATTOO PARLORS. PROVIDING FOR AN AMENDMENT TO SECTION 12-34 DETAILED USE REGULATIONS PERTAINING TO LOCATION, DISTANCE AND CLASSIFICATION OF SEXUALLY ORIENTED BUSINESS USES; PROVIDING FOR AN AMENDMENT TO SECTION 12-503 DEFINITIONS PERTAINING TO SEXUALLY ORIENTED BUSINESS USE DEFINITIONS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the Town in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well as the citizens of the Town; and

WHEREAS, the Town Council finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the Town which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

WHEREAS, the Town Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the Town Council has determined that locational criteria alone do not adequately protect the health, safety, and general welfare of the people of this Town; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the United States Constitution and the Florida Constitution, but to enact a content neutral ordinance which addresses the secondary effects of sexually oriented businesses; and

WHEREAS, it is not the intent of the Town Council to condone or legitimize the distribution of obscene material, and the Town Council recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. PURPOSE AND FINDINGS.

(A) Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Town. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

(B) Findings. Based on evidence concerning the adverse secondary effects of sexually oriented businesses on the community presented in hearings and in reports made available to the Town Council, and on findings incorporated in, but not limited to, the following cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, TDA "Kandyland", 529 U.S. 277 (2000), and *City of Los Angeles v. Alameda Books, Inc.* 121 S. Ct. 1223 (2001) *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); 475 U.S. 41 (1986); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *California v. LaRue*, 409 U.S. 109 (1972); *Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Peek-A-Boo Lounge of Bradenton, Inc. v. Manatee County*, 337 F.3d 1251 (11th Cir. 2003); *Gary v. City of Warner Robins*, 311 F. 3d 1334 (11th Cir. 2002); *Ward v. County of Orange*, 217 F. 3d 1350 (11th Cir. 2000); *Boss Capital, Inc. v. City of Casselberry*, 187 F. 3d 1251 (11th Cir. 1999); *David Vincent, Inc. v. Broward County*, 200 F. 3d 1325 (11th Cir. 2000); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 973 F.Supp. 1428 (M.D. Fla. 1997); *Grand Falcon Tavern, Inc. v. Wicker*, 670 F.2d 943 (11th Cir. 1982); *International Food & Beverage Systems v. Ft. Lauderdale*, 794 F.2d 1520 (11th Cir. 1986) and other cases; and on studies and reports of secondary effects occurring in other communities around sexually oriented businesses, including but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Indianapolis, Indiana - 1984; Amarillo, Texas - 1977; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - 1977; and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona -1995-98; Manatee County, Florida study - 1987; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); the Town Council finds:

(1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on property values, urban blight, pornographic litter, and sexual assault and exploitation.

(2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other certain uses, such as other sexually oriented businesses, and establishments licensed to sell alcoholic beverages, to minimize the secondary effects associated with such uses and to prevent a concentration of sexually oriented businesses and such uses.

(3) Each of the foregoing negative secondary effects constitutes a harm which the Town has a substantial government interest in preventing and/or abating.

(4) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

(5) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(6) Persons frequent certain adult theatres, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

(7) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(8) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.

(9) The findings noted in paragraphs number 1 through 8 raise substantial governmental concerns.

(10) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns and each of the foregoing negative secondary effects constitutes a harm which the Town has a substantial government interest in preventing and/or abating.

(11) The general welfare, health, morals and safety of the citizens of the Town will be promoted by the enactment of this ordinance.

Section 12-503:

~~Parcel. The area of land within the boundary lines of a subdivision or property defined by a metes and bounds description.~~

Adult Arcade. Means any place to which the public is permitted on invited wherein coin-operated, slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines. Projectors, video, disc or other image producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting or describing “specified sexual activities” or “specified anatomical areas.”

Adult Bookstore, Adult Novelty, Store or Adult Video Store. means a commercial establishment which has significant or substantial portion of its stock – in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising or maintains a substantial space to the sale or rental, for any form of consideration of any one or more of the following:

- (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas.”
- (b) Instruments, devices, sexually oriented toys or novelties, paraphernalia, lingerie or leather goods marketed or presented in a context to suggest their use for Sadoomasochistic practice, which are designed for use in connection with specified sexual activities.

Adult Cabaret. means a Night Club, Bar, Juice Bar, Restaurant, Bottle Club or similar commercial establishment whether or not alcoholic beverages are served which regularly features:

- (a) persons who appear in a state of nudity or semi-nude; or
- (b) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
- (c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult Motel. means a motel, hotel, or similar commercial establishment which:

- (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, other photographic reproductions, or live performances which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- (b) offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (c) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

Adult motion picture theater. For the purpose of this chapter, the term “adult motion picture theater: means a commercial establishment where films, motion pictures, videocassettes, slides, DVD’s, or similar photographic reproductions which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.

Adult Sexual Encounter Establishment. a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration:

- (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

- (b) physical contact between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
- (c) Sadomasochistic practices.

Distinguished or characterized by an emphasis upon means the dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon the exhibition or description of Specified Sexual Activities or Specified Anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description “specified anatomical areas” or “specified sexual activities.”

Employ, Employee, and Employment. describe and pertain to any person who performs any service on the premises of sexually oriented business, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Establishment. means an economic unit where business is conducted or services or industrial operations are performed. An establishment also means and includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
- (3) The addition of any sexually oriented business to any other existing sexually oriented business.

Massage establishment. means and includes any shop, parlor, establishment or place of business wherein all or any one (1) or more of the following named subjects and methods of treatments, are administered or practiced if, at any time, an employee displays any specified anatomical areas during the course of treatment:

- (1) Oil rubs, salt glows, hot or cold packs, all kinds of baths including steam rooms, cabinet baths, sitz baths, colon irrigations, body massage either by hand or by any mechanical or electrical apparatus or device (excluding fever therapy), applying such movements as stroking, friction, rolling, vibration, kneading, cupping, petrissage, rubbing, effleurage or tapotement.
- (2) Nothing in this chapter shall be construed as applying to State of Florida-licensed barbers, cosmetologists, manicurists, pedicurists, physical therapists, physical therapists assistants, midwives, practical nurses, agents, servants or employees in licensed hospitals or nursing home or other licenses medical institutions, licensed physicians, osteopaths, chiropractors, podiatrists, naturopathic physicians or other licenses medical practitioners or their agents, servants or employees acting in the course of such agency, service or employment.

Nudity or state of nudity. means the showing of human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operate or cause to operate. shall mean to cause to function or to put or keep in a state of doing business. “Operator” means any persons on the premises of a sexually oriented business who is authorized to exercise overall operational control of the Business or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a

sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

Parcel. means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Regularly features or regularly shown. means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

Religious Institution. means a building together with its accessory buildings, structures and use where people regularly assemble for religious purposes and related social events and which building together with its ancillary uses is maintained and controlled by a religious body organized to sustain religious beliefs, ceremonies and purposes.

Sadomasochistic practices. means the flagellation, torture or humiliating activities by or upon a person clothed or naked, or the condition of being fettered, bound or otherwise physically restrained on the part of one clothed or naked or other similar activities which depicts, describes or relates to the “specified sexual activities” or “specified anatomical areas,” as defined in this Chapter.

Semi-nude, state of semi-nudity, or semi-nude condition. means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

Sexually Oriented Business.: means and includes Adult Arcades, Adult Bookstores, Adult Novelty, Adult Video, Adult Cabaret, Adult Motels, Adult Motion Picture Theaters, Semi-Nude Model Studios and Adult Sexual Encounter Establishments.

Specified Anatomical Areas.

- (a) means the human genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (b) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

Specified Sexual Activities.: means any of the following:

- (a) human genitals in a state of sexual stimulation or arousal.
- (b) the fondling of other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (c) sex acts, normal or perverted, actual or simulated, including acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic practices, felatio or cunnilingus;
- (d) excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

Sec 12-32. Table of permitted uses.

**(A) RESIDENTIAL DISTRICTS
GENERAL USES**

	<u>DISTRICTS</u>								
	<i>RR</i>	<i>AG</i>	<i>S</i>	<i>A-1</i>	<i>R-1</i>	<i>2--5</i>	<i>-5</i>	<i>RM-8--16</i>	<i>MH-1--10</i>
Animal Uses	P	P	N	P	*	N	N	N	N
Dwellings, Mobile Home	N	N	N	N	N	N	N	N	*
Dwellings, Multiple Family	N	N	P	N	N	N	P	P	N
Dwellings, Single Family Attached	N	N	P	N	N	N	P	P	N
Dwellings, Single Family Detached	P	P	P	P	P	P	N	N	N
Dwellings, Semi-detached	N	N	P	N	N	N	P	P	N
Equestrian Facilities	P	P	N	P	*	N	N	N	N
Family Day Care Home	*	*	*	*	*	*	*	*	*
Farms	P	P	N	P	*	N	N	N	N
Group Home	P	P	P	P	P	P	P	P	P
Guest Cottage	P	P	N	P	P	N	N	N	N
Home Occupation	*	*	P	*	*	P	P	P	P
Life, Residential Care Facility	N	N	N	N	N	N	N	*	N
Recreational Facilities	*	*	*	*	*	*	*	*	*
Special Residential Facilities	*	*	*	*	*	*	*	*	*
Subdivision Facilities	N	N	N	N	N	N	P	P	P
Watchman's Quarters	*	*	N	*	N	N	N	N	N

P = Permitted by right in this district.

N = Not permitted in this district.

* = Conditionally permitted subject to detailed use regulations (section 12-34)

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, section 12-33 and Detailed Use Regulations, section 12-34 of this Article.

The term “agricultural uses” is to be defined to mean those activities within land areas which are predominantly used as farms, and for the cultivation of crops and livestock including, but not limited to: cropland, pastureland, orchards, vineyards, nurseries, ornamental horticulture areas, groves, confined feeding operations, specialty farms, and silviculture areas.

(B) COMMERCIAL OFFICE AND BUSINESS DISTRICTS
DISTRICTS

	<i>SC</i>	<i>WT</i>	<i>UC</i>					
	<i>&</i>	<i>&</i>	<i>&</i>					
	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>O</i>	<i>FB</i>	<i>CC</i>	<i>CI</i>	<i>RO</i>
Adult Arcade Amusement Center	N	N	*	N	N	N	N	N
Adult Facilities	N	N	*	N	N	N	N	N
Animals	*	*	*	*	N	*	N	*
Animals, Commercial	*	*	*	*	*	*	*	*
Amusement Parks	N	N	N	N	N	N	N	N
Animal Hospital	P	P	P	N	N	N	P	N
Animal Kennel	N	N	N	N	N	N	P	N
Antique, Crafts Shops	P	P	P	N	N	N	N	N
Athletic/Health Clubs, Gyms	N	P	P	N	P	*	P	N
Art Gallery	P	P	P	P	P	N	N	N
Auction House	N	*	*	N	N	N	*	N
Banks, Financial	P	P	P	P	P	P	N	*
Bakery, Delicatessen	P	P	P	N	P	*	P	N
Barber, Beauty Shops	P	P	P	N	P	*	P	N
Bars, Lounges	N	*	*	N	*	*	*	N
Bingo Establishments	N	1	1	N	N	N	*	N
Boat Yards	N	N	N	N	N	N	P	N
Bookstores, Newsstand	P	P	P	N	P	**	P	N
Botanical Gardens	N	N	N	N	P	N	P	N
Bottled Fuel	N	N	N	N	N	N	P	N
Bowling, Skating	N	P	P	N	N	N	P	N
Cabinet/Carpentry Shops	N	N	N	N	N	N	*	N
Car Wash	N	P	P	N	N	N	P	N
Catering (Food)	N	P	P	N	N	P	P	N
Communication Apparatus	*	*	*	*	*	*	*	*
Contractor, office only	P	P	P	P	N	P	P	P
Convenience Stores	P	P	P	N	*	N	P	N
Dance Halls, Clubs	N	P	P	N	P	N	P	N
Distribution Facilities	N	N	N	N	N	N	P	N
Dry Cleaning	*	*	*	N	N	**	P	N
Florist, Plant Shop	P	P	P	N	P	**	P	N
Game Room, Arcade	N	P	P	N	N	N	P	N
Gardeners, Landscape Contractors	N	N	N	N	N	N	P	N
Gift Shops	P	P	P	N	N	**	P	N
Golf Courses	N	P	P	N	P	N	N	N
Home Occupation	N	N	N	N	N	N	N	P
Hotels, Motels	N	N	*	N	P	*	N	N
Laboratories	N	N	N	P	P	P	P	N
Light Fabrication	N	N	N	P	N	P	P	N
Machine Shop	N	N	N	N	N	N	P	N
Medical Clinic, Doctor's Office	N	P	P	N	N	P	N	P
Mini Warehouse/Self Storage	N	N	N	N	N	*	*	N
Mobile Home Sale	N	*	*	N	N	N	P	N

DISTRICTS

	<i>SC</i> & <i>B-1</i>	<i>WT</i> & <i>B-2</i>	<i>UC</i> & <i>B-3</i>	<i>O</i>	<i>FB</i>	<i>CC</i>	<i>CI</i>	<i>RO</i>
Mortuary	P	P	P	P	P	P	P	N
Motion Picture Studio	N	N	N	N	N	P	P	N
Motor Fuel Pumps	N	*	*	N	*	N	*	N
Motorcycle Shop	N	N	*	N	N	N	N	N
Movers	N	N	N	N	N	N	P	N
Movie Theater, Performing Arts	N	P	P	N	P	N	N	N
Night Clubs	N	*	*	N	*	**	*	N
Nursery Child Care Facility	*	*	*	N	*	*	N	P
Office	P	P	P	P	P	P	P	P
Office Equipment Sales	N	P	P	N	P	*	P	N
Parking Lot, Rental	N	P	P	N	*	N	N	N
Pawnshop	N	P	P	N	N	N	P	N
Personnel Services	P	P	P	N	P	**	P	N
Pharmacy	N	P	P	N	P	*	P	N
Photographic Studio	P	P	P	N	P	P	P	N
Plant Nursery	P	P	P	P	P	N	P	P
Pool Rooms	N	P	P	N	N	N	P	N
Printer	N	P	P	N	P	P	P	N
Private Club	N	N	P	N	P	N	N	N
Radio or TV Station	N	N	N	N	N	P	P	N
Real Estate Office	P	P	P	P	*	P	P	P
Repair Shop, except vehicle or boat repair	N	P	P	N	N	N	P	N
Research Facility	N	N	N	P	P	P	P	N
Residential Uses	*	N	*	N	*	*	*	*
Restaurants, Fast Food	N	P	P	N	P	N	P	N
Restaurant, Other	*	O	O	N	P	*	*	N
Retail Sales Other	P	P	P	N	P	**	P	N
Sales Office	P	P	P	P	P	P	P	P
Schools - Special, Private	N	*	*	*	*	N	N	N
Schools, Trade, Vocational and Other	N	*	*	*	*	N	*	N
Service Stations	N	N	*	N	N	N	*	N
<u>Sexually Oriented Business</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Sheet Metal Shop	N	N	N	N	N	N	*	N
Special Residential Facilities	*	*	*	N	N	N	N	N
Sports Arena	N	N	N	N	N	N	N	N
Studios (Art, Music)	P	P	P	N	N	P	P	P
<u>Tattoo Parlors</u>	<u>N</u>	<u>N</u>	<u>*</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Vehicle Customizing	N	N	N	N	N	N	P	N
Vehicle, Boat, Truck, Repair Major	N	N	N	N	N	N	*	N
Vehicle Repair, Minor	N	*	*	N	N	N	P	N
Vehicle Towing	N	N	N	N	N	N	*	N
Vehicle Sales and Rental	N	N	*	N	N	*	*	N
Warehouse, Storage	N	N	*	N	*	*	*	N
Watchman's Apartment	*	N	*	N	N	*	*	N
Wholesale	N	P	P	N	N	P	P	N

P = Permitted by right in this district.

N = Not permitted in this district.

* = Conditionally permitted subject to detailed use regulations (section 12-34).

1 = Subject to detailed use regulations of Chapter 13, Article V of Davie Code of Ordinances.

** = Limited to 20% of gross floor area.

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, section 12-33 and Detailed Use Regulations, section 12-34 of this Article.

(C) BUSINESS PARK AND INDUSTRIAL

GENERAL USES

DISTRICTS

	<i>BP</i>	<i>M-1</i>	<i>M-2</i>	<i>M-3</i>
Acid, Explosives	N	N	N	N
Agriculture, Commercial Agriculture	*	*	*	*
Animal Kennel	N	*	*	*
Auction House	*	N	N	N
Brewing/Distilling of Malt Beverages or Liquors	N	N	N	N
Business Uses	P	*	*	*
Cement, Concrete, Lime	N	N	P	P
Educational (Adult)	*	*	*	*
Food, Processing Facility	N	N	N	P
Foundry, Drop Forging	N	N	N	N
Gravel, Rock Mining	N	N	N	N
Incinerator, (Medical, Solid Waste, Biohazardous)	N	N	N	N
Junk Yards	N	N	N	N
Landfill/Trash, Garbage Disposal	N	N	N	N
Light Manufacturing	P	P	P	P
Machine Shop	N	N	P	P
Marina	N	N	*	*
Medium Manufacturing	*	N	P	P
Mixed Use	N	*	*	*
Motor Freight Terminal	N	N	*	*
Motorcycle Shop	*	*	*	*
Movers	N	P	P	P
Office, Professional	P	*	*	*
Petroleum Storage, Refining, Distribution etc.	N	N	N	N
Retail Sales	P	*	*	*
Sales of Construction Equipment	N	N	P	P
Sandblasting	N	N	N	P
<u>Sexually Oriented Business</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>
Slaughter Yards	N	N	N	N

(C) BUSINESS PARK AND INDUSTRIAL
GENERAL USES

DISTRICTS

	<i>BP</i>	<i>M-1</i>	<i>M-2</i>	<i>M-3</i>
Soaps, Detergent, Cleansing, Materials				
Manufacturing	N	N	N	N
Stockyards, Rendering, Glue	N	N	N	N
Storage Yards	N	N	P	P
Taxi Service, Dispatch	N	P	P	P
Trash Transfer Station	N	N	N	N
Truck Stop	N	N	N	N
Vehicle, Boat, Truck, Repair, Major or-				
Minor	N	P	P	P
Vehicle Towing/Storage	N	P	P	P
Vehicle Sales and Rental	*	*	*	*
Warehouse, Storage	*	*	*	*
Watchman's Apartment	*	*	*	*
Wholesale	P	P	P	P
Yacht Manufacturing and Repairs	N	N	*	N

P = Permitted by right in this district.

N = Not permitted in this district.

* = Conditionally permitted subject to detailed use regulations (section 12-34).

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, section 12-33 and Detailed Use Regulations.

DIVISION 3. DETAILED USE REGULATIONS

Sec. 12-34. Standards enumerated.

In addition to compliance with other regulations imposed by this chapter, the following standards are required of the specific uses enumerated below:

~~(A) *Adult Facilities*: Where permitted, the following uses, which require a special permit issued in accordance with Article X, shall be located within and shall be the sole occupant of a freestanding building, and not a part of a larger commercial structure: Adult book stores; adult motion picture theaters; cabarets, including topless and bottomless bars; massage establishments; encounter studios; tattoo parlors; and establishments where the following items are sold: water pipes, chambered pipes, metal, acrylic, glass, stone, plastic or ceramic pipes, roach clips, carburetion devices, and similar devices used for drug ingestion or smoking marijuana or tobacco.~~

12-34A. Location of Designated Sexually Oriented Business Uses

Notwithstanding anything to the contrary in this Chapter, sexually oriented business shall be treated as permitted uses and shall not be subject to the standards particular to special permits. Sexually oriented business uses shall be permitted only in the following districts: B-3 (Planned Business Center), UC (Urban Commercial) and M-3 Planned Industrial Park, subject to the requirements listed in Subsection (1).

(1) No Sexually Oriented Business uses are permitted on a parcel of land located:

- a. Within one thousand (1,000) feet of any parcel of land which is designated in a residential single-family, residential multi-family, or mobile home district”;

- b. Within one thousand (1,000) feet of any parcel of land upon which a religious institution, child care center, school (pre-school and grades kindergarten through twelfth grade), public park or playground is located.
- c. Within one thousand (1,000) feet of any parcel of land wherein a public library, college/university or federal, state, county, or municipal government building is located.
- d. Within one thousand (1,000) feet of any parcel of land upon which another sexually oriented business use is located.

(2) For purposes of this section, distance shall be by airline measurement from property line to property line, using the closest property lines of the parcels of land involved.

(3) Sexually Oriented Business Uses

The following uses are declared to be sexually oriented business uses as defined by this Chapter.

- a. Adult Arcades
- b. Adult Bookstores/Adult Novelty
- c. Adult Cabaret
- d. Adult Motels
- e. Adult Motion Picture Theaters
- f. Semi-nude Model Studios
- g. Adult Sexual Encounter Establishments

(4) Where a sexually oriented use is located in conformity with the provisions of this Chapter, the subsequent location of a residential use, religious institution, child care center, school, public park or playground, library, college/university or government within one thousand (1,000) feet of such sexually oriented use shall not be construed to cause such sexually oriented business use to be in violation of this chapter.

12-33 GG. Tattoo Parlors.

Where permitted the following uses which require a special permit issued in accordance with Article X, shall be located within and shall be the sole occupant of a free standing building and not part of a larger commercial structure: Tattoo parlor, and establishments where the following items are sold: Water pipes, chambered pipes, metal, acrylic, glass, stone, plastic or ceramic pipes, roach clips, carburetion devices, and similar devices used for drug ingestion or smoking marijuana or tobacco.

SECTION 2: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate district and independent provision and such holding shall not affect the validity of the remaining provisions of this ordinance.

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4: It is the intention of the Town Council of the Town of Davie that this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Davie, Florida and that Sections of this Ordinance may be renumbered, re-lettered and the word “ordinance” may be changed to “section”, “article” or such other word or phrase in order to accomplish such intention.

SECTION 5: This Ordinance shall take effect immediately upon its passage.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2006

PASSED ON SECOND READING THIS _____ DAY OF _____, 2006

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006

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